

AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

United States District Court

Southern DISTRICT OF New York

MARK MAUPIN

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: (AKH)

BATTERY PARK CITY AUTHORITY,
ET. AL.,

08 CIV 5853

SEE ATTACHED RIDER,

Judge Hellerstein

TO: (Name and address of defendant)

SEE ATTACHED RIDER

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

WORBY GRONER EDELMAN & NAPOLI BERN, LLP
115 Broadway, 12th Floor
New York, New York 10006
212-267-3700

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUN 27 2008

CLERK

DATE

(BY)  CLERK

AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

RIDER

MARK MAUPIN,

Plaintiffs,

- against -

ON-SITE:

7 WORLD TRADE COMPANY, L.P.; A RUSSO WRECKING, INC.; ABM INDUSTRIES, INC.; ABM JANITORIAL NORTHEAST, INC.; AMEC CONSTRUCTION MANAGEMENT, INC.; AMEC EARTH & ENVIRONMENTAL, INC.; ANTHONY CORTESE SPECIALIZED HAULING LLC.; ATLANTIC HEYDT CORP.; BECHTEL ASSOCIATES PROFESSIONAL CORPORATION; BECHTEL CONSTRUCTION, INC.; BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL, INC.; BERKEL & COMPANY, CONTRACTORS, INC.; BIG APPLE WRECKING & CONSTRUCTION CORP.; BOVIS LEND LEASE LMB, INC.; BREEZE CARTING CORP.; BREEZE NATIONAL INC.; BRER-FOUR TRANSPORTATION CORP.; BURO HAPPOLD CONSULTING ENGINEERS, P.C.; C.B. CONTRACTING CORP.; CANRON CONSTRUCTION CORP.; CORD CONTRACTING CO., INC.; DAKOTA DEMO-TECH; DIAMOND POINT EXCAVATING CORP.; DIEGO CONSTRUCTION, INC.; DIVERSIFIED CARTING, INC.; DMT ENTERPRISE, INC. D'ONOFRIO GENERAL CONTRACTORS CORP.; EAGLE LEASING & INDUSTRIAL SUPPLY, INC.; EAGLE ONE ROOFING CONTRACTORS INC; EJ DAVIES, INC.; EN-TECH CORP.; EVERGREEN RECYCLING OF CORONA(EROC); EWELL W. FINLEY, P.C.; EXECUTIVE MEDICAL SERVICES, P.C.; FLEET TRUCKING, INC.; FRANCIS A. LEE EXTERIOR RESTORATION, INC.; FTI TRUCKING, INC.; GILSANZ, MURRAY, & STEFICEK, LLP, GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC.; HALLEN WELDING SERVICE, INC.; H.P. ENVIRONMENTAL; KOCH SKANSKA INC; LAQUILA CONSTRUCTION INC.; LASTRADA GENERAL CONTRACTING CORP.; LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS P.C.; LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLETT, INC.; LUCIUS PITKIN, INC.; LZA TECH-DIV OF THORTON TOMASETTI; MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING, INC.; HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.; MORETRENCH AMERICAN CORP.; MRA ENGINEERING, PC; MUESER RUTLEDGE CONSULTING ENGINEERS, INC; NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP.; NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC.; PINNACLE ENVIRONMENTAL CORP.; PLAZA CONSTRUCTION CORP.; PRO SAFETY SERVICES LLC.; PT & L CONTRACTING CORP.; ROBER SILMAN ASSOCIATES; ROBERT L. GEROSA, INC.; RODAR ENTERPRISES, INC.; ROYAL GM, INC; SAB TRUCKING INC.; SAFEWAY ENVIRONMENTAL CORP.; SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP.; SILVERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEGER INC.; SKIDMORE, OWING & MERRILL LLP; SURVIVAIR; TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI GROUP, INC.; TORRETTA TRUCKING, INC.; TOTAL SAFETY CONSULTING, L.L.C.; TUCCI EQUIPMENT RENTAL CORP.; TULLY CONSTRUCTION CO., INC.; TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP.; WEEKS MARINE, INC.; WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.; WHITNEY CONTRACTING INC.; WOLKOW-BRAKER ROOFING CORP.; WORLD TRADE CENTER PROPERTIES LLC.; WSP CANTOR SEINUK; YANNUZZI & SONS, INC; YONKERS CONTRACTING COMPANY, INC.; YORK HUNTER CONSTRUCTION, LLC; ZIEGENFUSS DRILLING, INC.,

OFF-SITE:

BATTERY PARK CITY AUTHORITY, BLACKMON-MOORING-STEAMATIC CATASTOPHE, INC. D/B/A BMS CAT, BROOKFIELD FINANCIAL PROPERTIES, INC., BROOKFIELD FINANCIAL PROPERTIES, LP, BROOKFIELD PARTNERS, LP, BROOKFIELD PROPERTIES CORPORATION, BROOKFIELD PROPERTIES HOLDINGS INC., TUCKER ANTHONY, INC., WFP TOWER A CO., WFP TOWER A CO. G.P. CORP., AND WFP TOWER A. CO., L.P., ET AL

Defendants.

X

Defendants' Addresses:**ON-SITE:**

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Judge Hellerstein**08 CIV 5853**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION (straddler plaintiffs)

MARK MAUPIN

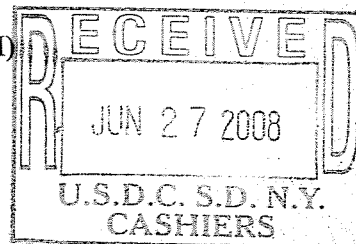
Plaintiffs,

- against -

(SEE SECTION I. B: DEFENDANTS)

Defendants.

21 MC 103 (AKH)



DOCKET NO.

**CHECK-OFF ("SHORT FORM")
COMPLAINT
RELATED TO THE
MASTER COMPLAINTS****PLAINTIFF(S) DEMAND A TRIAL BY
JURY**

By Case Management Order Number 1, of the Honorable Alvin K. Hellerstein, United States District Judge, dated March 28, 2007, ("the Order"), Plaintiff(s) file this "straddler" check-off complaint and incorporates herein the master complaints in 21 MC 100 and 21 MC 102.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints in 21 MC 100 and 21 MC 102 are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "☑" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiff(s), MARK MAUPIN, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

I. PARTIES**A. PLAINTIFF(S)**

1. ☒ Plaintiff, MARK MAUPIN (hereinafter the "Injured Plaintiff"), is an individual and a citizen of Michigan residing at 7916 N. Woodland Avenue, Kansas City, MI 64118.

(OR)

2. Alternatively, ☐ _____ is the _____ of Decedent

_____, and brings this claim in his (her) capacity as of the Estate of _____.

3. ☐ Plaintiff, _____ (hereinafter the "Derivative Plaintiff"), is a citizen of _____ residing at _____, and has the following relationship to the Injured Plaintiff:
- ☐ SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff _____, and brings this derivative action for her (his) loss due to the injuries sustained by her husband (his wife), Plaintiff _____.
- ☐ Parent ☐ Child ☐ Other: _____
4. In the period from _____ to 12/14/2001 the Injured Plaintiff worked for HHS as a Debris Removal Operator. at:

Please be as specific as possible when filling in the following dates and locations

☒ The World Trade Center Site
Location(s) (i.e., building, quadrant, etc.) _____

From on or about 9/11/2001 until 12/14/2001;
Approximately 14 hours per day; for
Approximately 93 days total.

☒ The New York City Medical Examiner's Office
From on or about 9/11/2001 until 12/14/2001,
Approximately _____ hours per day; for
Approximately 95 days total.

☐ The Fresh Kills Landfill
From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

☒ The Barge
From on or about To Be Provided until To Be Provided;
Approximately _____ hours per day; for
Approximately _____ days total.

☒ Other: See Chart Below

Instructions: To the extent that plaintiff has specificity as to the area within the building/location listed, such should be indicated on a separate line. If plaintiff is unable at this time to enunciate such specificity at this time, the applicable column should be marked with an "☑." (See Sample Chart below)

Each sub-paragraph shall be deemed to allege: "The Injured Plaintiff at times relevant to the claims herein, worked at (address/location) for the following (dates of employment), while in the employ of (name of employer), maintaining the position of (job title) and worked at said

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*

location for approximately (hours).i.e. The Injured Plaintiff at times relevant to the claims herein, worked at 500 Broadway, for the following dates, 10/1/01-6/1/02, while in the employ of ABC Corp, maintaining the position of cleaner and worked at said location for approximately 20 hours.



The Injured Plaintiff worked off-site at the address/location for following dates of employment, for the employer, in the job title of, and for the number of hours, as specified below.

It is very important that you fill out each and every section of this document.

Sample Chart

<input checked="" type="checkbox"/>	ADDRESS/ LOCATION	FLOOR(S)/ AREAS	DATES OF EMPLOYMENT	NAME OF EMPLOYER	JOB TITLE	JOB ACTIVITY	HOURS WORKED	SHIFT WORKED	Percent Of Total Hours
<input checked="" type="checkbox"/>	31a *500 Broadway	2	10/1/01-6/1/02	ABC CORP.	CLEANER	DEMOLITION/DEBRIS REMOVAL	20	8AM-5PM	50
<input checked="" type="checkbox"/>	31b 1600 Broadway	2	11/1/01-11/15/01	ABC CORP.	CLEANER	X	10	X	25
<input checked="" type="checkbox"/>	31c 1600 Broadway	basement	12/15/01- 12/16/01	XYZ Corp.	CLEANER	X	10	X	25

Total Hours Worked Off-Site: 40

	ADDRESS/LOCATION	Floor(s)/ Areas	DATES OF EMPLOYMENT	NAME OF EMPLOYER	JOB TITLE	Job Activity	HOURS WORKED	Shift Worked	Percent Of Total
<input checked="" type="checkbox"/> 31a.	1 World Financial Center	To Be Supplied for all Sites Listed	To Be Provided	HHS	Debris Removal Operator.	Temporary morgue at GDZ, human remains, pile, site; Identification of human remains	8	To Be Supplied for all Sites Listed	100.0 %
<input type="checkbox"/> 31b.									
<input type="checkbox"/> 31c.									
<input type="checkbox"/> 31d.									
<input type="checkbox"/> 31e.									
<input type="checkbox"/> 31f.									
<input type="checkbox"/> 31g.									
<input type="checkbox"/> 31h.									
<input type="checkbox"/> 31i.									
<input type="checkbox"/> 31j.									
<input type="checkbox"/> 31k.									
<input type="checkbox"/> 31l.									
<input type="checkbox"/> 31m.									
<input type="checkbox"/> 31n.									
<input type="checkbox"/> 31o.									
<input type="checkbox"/> 31p.									
<input type="checkbox"/> 31q.									
<input type="checkbox"/> 31r.									
<input type="checkbox"/> 31s.									

☐ Other (if checked, attach Rider and continue with same format for sub-divisions)

The plaintiff worked for the total number of hours as indicated below:

<input checked="" type="checkbox"/>	Total Hours Worked Off-Site: 8
-------------------------------------	--------------------------------

*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

- ☒ Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;
- ☒ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;
- ☒ Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;
- ☒ Other: Not yet determined.

6. Injured Plaintiff

- ☒ Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaints. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☐ THE CITY OF NEW YORK

- ☐ A Notice of Claim was timely filed and served on _____ and
☐ pursuant to General Municipal Law §50-h the CITY held a hearing on _____ (OR)
☐ The City has yet to hold a hearing as required by General Municipal Law §50-h
☐ More than thirty days have passed and the City has not adjusted the claim (OR)
☐ An Order to Show Cause application to
☐ deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination
☐ is pending
☐ Granting petition was made on _____
☐ Denying petition was made on _____

☐ PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

- ☐ A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on
☐ More than sixty days have elapsed since the Notice of Claim was filed, (and)
☐ the PORT AUTHORITY has adjusted this claim
☐ the PORT AUTHORITY has not adjusted this claim.

- ☐ 1 WORLD TRADE CENTER, LLC
☐ 1 WTC HOLDINGS, LLC
☐ 2 WORLD TRADE CENTER, LLC
☐ 2 WTC HOLDINGS, LLC
☐ 4 WORLD TRADE CENTER, LLC
☐ 4 WTC HOLDINGS, LLC
☐ 5 WORLD TRADE CENTER, LLC
☐ 5 WTC HOLDINGS, LLC
☐ 7 WORLD TRADE COMPANY, L.P.
☒ A RUSSO WRECKING

- ☒ ABM INDUSTRIES, INC.
☒ ABM JANITORIAL NORTHEAST, INC.
☒ AMEC CONSTRUCTION MANAGEMENT, INC.
☒ AMEC EARTH & ENVIRONMENTAL, INC.
☒ ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.
☒ ATLANTIC HEYDT CORP
☒ BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
☒ BECHTEL CONSTRUCTION, INC.
☒ BECHTEL CORPORATION
☒ BECHTEL ENVIRONMENTAL, INC.
☒ BERKEL & COMPANY, CONTRACTORS, INC.
☒ BIG APPLE WRECKING & CONSTRUCTION CORP
☐ BOVIS LEND LEASE, INC.
☒ BOVIS LEND LEASE LMB, INC.
☒ BREEZE CARTING CORP
☒ BREEZE NATIONAL, INC.
☒ BRER-FOUR TRANSPORTATION CORP.
☒ BURO HAPOLD CONSULTING ENGINEERS, P.C.
☒ C.B. CONTRACTING CORP
☒ CANRON CONSTRUCTION CORP
☐ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
☒ CORD CONTRACTING CO., INC
☐ CRAIG TEST BORING COMPANY INC.
☒ DAKOTA DEMO-TECH
☒ DIAMOND POINT EXCAVATING CORP
☒ DIEGO CONSTRUCTION, INC.
☒ DIVERSIFIED CARTING, INC.
☒ DMT ENTERPRISE, INC.
☒ D'ONOFRIO GENERAL CONTRACTORS CORP
☒ EAGLE LEASING & INDUSTRIAL SUPPLY
☒ EAGLE ONE ROOFING CONTRACTORS INC.
☐ EAGLE SCAFFOLDING CO, INC.
☒ EJ DAVIES, INC.
☒ EN-TECH CORP
☐ ET ENVIRONMENTAL
☐ EVANS ENVIRONMENTAL
☒ EVERGREEN RECYCLING OF CORONA
☒ EWELL W. FINLEY, P.C.

- ☒ EXECUTIVE MEDICAL SERVICES, P.C.
- ☐ F&G MECHANICAL, INC.
- ☒ FLEET TRUCKING, INC.
- ☒ FRANCIS A. LEE COMPANY, A CORPORATION
- ☒ FTI TRUCKING
- ☒ GILSANZ MURRAY STEFICEK, LLP
- ☒ GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC
- ☒ HALLEN WELDING SERVICE, INC.
- ☒ H.P. ENVIRONMENTAL
- ☒ HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.
- ☒ KOCH SKANSKA INC.
- ☒ LAQUILA CONSTRUCTION INC
- ☒ LASTRADA GENERAL CONTRACTING CORP
- ☒ LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.
- ☒ LIBERTY MUTUAL GROUP
- ☒ LOCKWOOD KESSLER & BARTLETT, INC.
- ☒ LUCIUS PITKIN, INC
- ☒ LZA TECH-DIV OF THORTON TOMASETTI
- ☒ MANAFORT BROTHERS, INC.
- ☒ MAZZOCCHI WRECKING, INC.
- ☒ MORETRENCH AMERICAN CORP.
- ☒ MRA ENGINEERING P.C.
- ☒ MUESER RUTLEDGE CONSULTING ENGINEERS
- ☒ NACIREMA INDUSTRIES INCORPORATED
- ☒ NEW YORK CRANE & EQUIPMENT CORP.
- ☒ NICHOLSON CONSTRUCTION COMPANY
- ☒ PETER SCALAMANDRE & SONS, INC.
- ☐ PHILLIPS AND JORDAN, INC.
- ☒ PINNACLE ENVIRONMENTAL CORP
- ☒ PLAZA CONSTRUCTION CORP.
- ☒ PRO SAFETY SERVICES, LLC
- ☒ PT & L CONTRACTING CORP
- ☐ REGIONAL SCAFFOLD & HOISTING CO, INC.
- ☒ ROBER SILMAN ASSOCIATES
- ☒ ROBERT L GEROSA, INC
- ☒ RODAR ENTERPRISES, INC.
- ☒ ROYAL GM INC.
- ☒ SAB TRUCKING INC.
- ☒ SAFEWAY ENVIRONMENTAL CORP
- ☒ SEASONS INDUSTRIAL CONTRACTING
- ☒ SEMCOR EQUIPMENT & MANUFACTURING CORP.
- ☒ SILVERITE CONTRACTING CORPORATION
- ☐ SILVERSTEIN PROPERTIES, INC.
- ☐ SILVERSTEIN WTC FACILITY MANAGER, LLC
- ☐ SILVERSTEIN WTC, LLC
- ☐ SILVERSTEIN WTC MANAGEMENT CO., LLC
- ☐ SILVERSTEIN WTC PROPERTIES, LLC
- ☐ SILVERSTEIN DEVELOPMENT CORP.
- ☐ SILVERSTEIN WTC PROPERTIES LLC
- ☒ SIMPSON GUMPERTZ & HEGER INC
- ☒ SKIDMORE OWINGS & MERRILL LLP
- ☒ SURVIVAIR
- ☐ TAYLOR RECYCLING FACILITY LLC
- ☒ TISHMAN INTERIORS CORPORATION,
- ☒ TISHMAN SPEYER PROPERTIES,
- ☒ TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN
- ☒ TISHMAN CONSTRUCTION CORPORATION OF NEW YORK
- ☒ THORNTON-TOMASETTI GROUP, INC.
- ☒ TORRETTA TRUCKING, INC
- ☒ TOTAL SAFETY CONSULTING, L.L.C
- ☒ TUCCI EQUIPMENT RENTAL CORP
- ☒ TULLY CONSTRUCTION CO., INC.
- ☐ TULLY ENVIRONMENTAL INC.
- ☐ TULLY INDUSTRIES, INC.
- ☐ TURNER CONSTRUCTION CO.
- ☒ TURNER CONSTRUCTION COMPANY
- ☒ ULTIMATE DEMOLITIONS/CS HAULING
- ☐ VERIZON NEW YORK INC,
- ☒ VOLLMER ASSOCIATES LLP
- ☐ W HARRIS & SONS INC
- ☒ WEEKS MARINE, INC.
- ☒ WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.
- ☒ WHITNEY CONTRACTING INC.
- ☒ WOLKOW-BRAKER ROOFING CORP
- ☐ WORLD TRADE CENTER PROPERTIES, LLC
- ☒ WSP CANTOR SEINUK GROUP
- ☒ YANNUZZI & SONS INC
- ☒ YONKERS CONTRACTING COMPANY, INC.
- ☒ YORK HUNTER CONSTRUCTION, LLC
- ☒ ZIEGENFUSS DRILLING, INC.
- ☐ OTHER: _____

The specific Defendants alleged relationship to the property, as indicated below or as otherwise the evidence may disclose, or their role with relationship to the work thereat, gives rise to liability under the causes of actions alleged, as referenced in the Master Complaint in 21 MC 102.

Instruction: The Defendant(s) names in the 21 MC 102 Master Complaint are re-stated below.

The Defendant's are listed by reference to the building and/or location at which this specific plaintiff alleges to have worked. . Each sub- paragraph shall be deemed to allege: "With reference to (address), the defendant (entity) was a and/or the (relationship) of and/or at the subject property and/or in such relationship as the evidence may disclose," (i.e. With reference to 4 Albany Street, defendant Bankers Trust Company, was the owner of the subject project and/or in such relationship as the evidence may disclose)

- ☒ 1. With reference to (address as checked below), the defendant (entity as checked below) was a and/or the (relationship as indicated below) of and/or at the subject property and/or in such relationship as the evidence may disclose.

- ☒ (1-152) 200 LIBERTY STREET (ONE WORLD FINANCIAL CENTER)
- ☒ A. BATTERY PARK CITY AUTHORITY (OWNER)
 - ☒ B. BROOKFIELD PROPERTIES CORPORATION (OWNER)
 - ☒ C. BROOKFIELD FINANCIAL PROPERTIES, LP (OWNER)
 - ☒ D. BROOKFIELD FINANCIAL PROPERTIES, INC. (OWNER)
 - ☒ E. BROOKFIELD PARTNERS, LP (OWNER)

- ☒ F. WFP TOWER A CO. (OWNER)
- ☒ G. WFP TOWER A CO. L.P. (OWNER)
- ☒ H. WFP TOWER A. CO. G.P. CORP. (OWNER)
- ☒ I. TUCKER ANTHONY, INC. (AGENT)
- ☒ J. BLACKMON-MOORING-STEAMATIC CATASTOPHE, INC. d/b/a BMS CAT (CONTRACTOR/AGENT)

☐ OTHER: if an individual plaintiff is alleging injury sustained at a building/location other than as above, and/or if an individual plaintiff is alleging an injury sustained at a building/location above, but is alleging a claim against a defendant not listed for said building, plaintiff should check this box, and attach a Rider. Individual plaintiff should then immediately notify Plaintiff Liaison by email and in writing, and request an amendment to the Master Pleadings and the Check-Off Complaint pursuant to the applicable CMO governing said amendment.

II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

☒ Founded upon Federal Question Jurisdiction; specifically; ☒ Air Transport Safety & System Stabilization Act of 2001, (or); ☐ Federal Officers Jurisdiction, (or); ☐ Other (specify): _____; ☐ Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		<input checked="" type="checkbox"/> Air Quality; <input checked="" type="checkbox"/> Effectiveness of Mask Provided; <input type="checkbox"/> Effectiveness of Other Safety Equipment Provided
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input checked="" type="checkbox"/> Other(specify): <u>Not yet determined.</u>
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input checked="" type="checkbox"/>	Pursuant to 46 U.S.C. § 688 <i>et seq.</i> , and 28 U.S.C. § 1333. SEE RIDER

IV CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

<input type="checkbox"/>	Cancer Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input checked="" type="checkbox"/>	Cardiovascular Injury: <u>Chest Pain</u> Date of onset: <u>To be supplied at a later date</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input checked="" type="checkbox"/>	Respiratory Injury: <u>Cough; Shortness of Breath; Sinus Problems; Wheezing</u> Date of onset: <u>3/1/2006</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Fear of Cancer Date of onset: <u>3/1/2006</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input checked="" type="checkbox"/>	Digestive Injury: <u>Heartburn/acid reflux/GERD</u> Date of onset: <u>To be supplied at a later date</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Other Injury: <u>Chronic Headaches; Lung Nodules; Skin Rash; Sleeping Problems</u> Date of onset: <u>3/1/2006</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

<input checked="" type="checkbox"/> Pain and suffering	<input checked="" type="checkbox"/> Disability
<input checked="" type="checkbox"/> Loss of the enjoyment of life	<input checked="" type="checkbox"/> Medical monitoring
<input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity	<input checked="" type="checkbox"/> Other: <u>Not yet determined.</u>
<input checked="" type="checkbox"/> Loss of retirement benefits/diminution of retirement benefits	
<input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation	
<input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Mental anguish	

3. ☒ As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
June 26, 2008

Yours, etc.,

Worby, Groner Edelman & Napoli Bern, LLP
Attorneys for Plaintiff(s), Mark Maupin

By: 

Christopher R. LoPalo (CL 6466)
115 Broadway
12th Floor
New York, New York 10006
Phone: (212) 267-3700

RIDER

Jurisdiction is predicated upon 28 U.S.C. §1331, pursuant to 46 U.S.C. § 688, *et seq*, commonly, and hereafter referred to as the *Jones Act*, and under 28 U.S.C. § 1333, General Maritime and Admiralty Jurisdictions of the United States.

Weeks Marine barges are vessels of United States registry and either are or will be within the jurisdiction of this Court during the pendency of this action.

At all material times Weeks Marine was the owner and/or the owner *pro hoc vice*, and/or the bareboat charter of the barges.

At all material times Weeks Marine managed and/or controlled the barge(s).

Plaintiff's injuries occurred due to the negligence and fault of the defendants, their employees, and/or their agents and servants, in that they failed to have adequate and safe procedures for the seamen on the vessel to safely take on, haul, and remove debris, and dredge there was inadequate supervision, training, safety and health equipment and planning of the job.

The conditions, acts and omissions stated above rendered the barges unseaworthy as did the fact that the vessel was not properly designed to take on, haul, transport, and remove hazardous substances.

As a result of defendants' negligence and the unseaworthiness of the barge, plaintiff incurred loss of wages and found, medical expenses, pain and suffering, and will incur future loss of wages and found, medical expenses, pain and suffering.

ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action. That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York
June 26, 2008

A handwritten signature in black ink, appearing to read 'C. Lopalo', written over a horizontal line.

CHRISTOPHER R. LOPALO

Docket No:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mark Maupin,

Plaintiff(s)

- against -

SEE RIDER

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

Attorneys for: Plaintiff(s)

Office and Post Office Address, Telephone

115 Broadway - 12th Floor
New York, New York 10006
(212) 267-3700

To
Attorney(s) for

Service of a copy of the within
is hereby admitted.

Dated,

Attorney(s) for

PLEASE TAKE NOTICE:

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of an
duly entered in the office of the clerk of the within named court on ____20__

☐ **NOTICE OF SETTLEMENT**

that an order _____ of which the within is a true copy
will be presented for settlement to the HON. _____ one of the
judges of the
within named Court, at
on ____20__ at ____M.
Dated,

Yours, etc.,

WORBY GRONER EDELMAN & NAPOLI BERN, LLP